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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,444	03/19/2004	Craig Tarbert		7218

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EXAMINER

LAU, HOI CHING

ART UNIT	PAPER NUMBER
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2636

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,444

Applicant(s)

TARBERT, CRAIG

Examiner

Hoi C. Lau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/17/2004
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1- 20 have been.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Issa (U.S. 4,553,127).

Regarding **Claim 1**, Issa's device comprise:

A continuity circuitry (C) configured for enabling electrical continuity between a battery and a starter of a vehicle starting system to be selectively broken and made, whereby continuity circuitry is in a starting system disabled mode when electrical continuity is broken and in a starting system enabled mode when said electrical continuity is made (column 2, lines 9-17 and column 1, lines 43-63 and column 2, lines 1-32); and

A control circuitry (80) connected to continuity circuitry and configured for enabling continuity circuit to be selectively set to the starting system disabled mode and the starting system enabled mode (column 4, lines 44-63).

As to **claim 2**, it teaches the continuity circuitry includes a battery switch (B and C) configured for being electrically spliced into a power cable connected between the battery and the starter; and

the battery switch (B and C) enables electrical continuity to be selectively made and broken (Figure 1-4 and column 3, lines 9-17).

As to **claim 3**, it teaches the battery switch is configured for being spliced into the power cable in an in-line fashion (Figure 1-4 and column 3, lines 9-17 and column 5, lines 7-10).

As to **claim 4**, it teaches a first electrical termination configured for being connected to a first connection point of the power cable, and a second electrical termination configured for being connected to at least one of a second connection point of the power cable, an electrical terminal of the battery and an electrical terminal of the starter (Figure 4 and column 2, lines 1-24).

As to **claim 5**, it teaches a third electrical termination coupled to one of the first electrical termination and the second electrical termination for having a power lead of a vehicle accessory item connected thereto for enabling electrical power to be provided to the accessory item while continuity circuitry is in the starting system disabled mode (column 4, lines 7-68 and column 5, lines 1-10).

As to **claim 6**, it teaches the control circuitry (80) includes an actuation device (74) configured for facilitating switching of continuity circuitry between the starting system disabled mode and starting system enabled mode (column 4, lines 7-43).

As to **claim 7**, it teaches the continuity circuitry (c) includes a battery switch configured for being electrically spliced into a power cable connected between the battery and the starter;

the actuation device is connected to a switching mechanism of the battery switch and is configured for moving the switching mechanism between a first position and a second position,

the first position corresponds to the starting system disabled mode; and

the second position corresponds to the starting system enabled mode (column 3 lines 9-17 and column 4, lines 7-63).

As to **claim 8**, it teaches the actuation device includes a solenoid connected to the switching mechanism of the battery switch (column 4, lines 19-43).

As to **claim 12**, it teaches a battery switch configured for enabling electrical continuity of a power cable connected between a battery and a starter of a vehicle starting system to be selectively broken and made, whereby the battery switch is in a starting system disabled mode when electrical continuity is broken and in a starting system enabled mode when electrical continuity is made (Figure 1-4 and column 3, lines 9-17); and

an actuation device connected to the battery switch and configured for selectively switching the battery switch between the starting system disabled mode and the starting system enabled mode (column 4, lines 7-43).

As to **claim 13**, it teaches the battery switch is configured for being spliced into the power cable in an in-line fashion (Figure 1-4 and column 3, lines 9-17 and column 5, lines 7-10).

As to **claim 14**, it teaches the actuation device is connected to a switching mechanism of the battery switch and is configured for moving the switching mechanism between a first position and a second position,

the first position corresponds to the starting system disabled mode; and

the second position corresponds to the starting system enabled mode (column 3 lines 9-17 and column 4, lines 7-63).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-11, 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Issa (U.S. 4,553,127) in view of Carlo et al. (U.S. 5,397,925).

As to **claim 9**, Issa's device teaches the control circuitry includes a signal receiver coupled to continuity circuit (column 6, lines 14-31).

It fails to show the receiver facilitates setting continuity circuitry to the starting system disabled or enable mode in response to receiving a first control signal and second control signal, respectively.

Carlo's device teaches the signal receiver facilitates setting continuity circuitry to the starting system disabled mode in response to receiving a first control signal, and

the signal receiver facilitates setting continuity circuitry to the starting system enabled mode in response to receiving a second control signal (column 9, lines 47-68 and column 10, lines 1-34).

It would have been obvious to one of ordinary skill in the art to implement Carlo's transmitting and receiving system into Issa's because it would provide an override function for the alarm or anti-theft system.

As to **claim 10**, Carlo's device teaches a signal transmitter configured for transmitting the first control signal and the second control signal for reception by the signal receiver (column 9, lines 47-68 and column 10, lines 1-34).

As to **claim 11**, Issa's device teaches a control circuitry (80) includes an actuation device configured for facilitating switching of continuity circuitry between the starting system disabled mode and starting system enabled mode (column 4, lines 7-43);

A continuity circuitry includes a battery switch configured for being electrically spliced into a power cable connected between the battery and the starter (Figure 1-4 and column 3, lines 9-17);

the actuation device is connected to a switching mechanism of the battery switch and is configured for moving the switching mechanism between a first position and a second position,

the first position corresponds to the starting system disabled mode; and

the second position corresponds to the starting system enabled mode (column 3 lines 9-17 and column 4, lines 7-63).

As to **claim 15**, Issa's device teaches a signal receiver coupled to actuation device (column 6, lines 14-31).

It fails to show the receiver facilitates setting the actuation device to the first and second position in response to receiving a first control signal and second control signal, respectively.

Carlo's device teaches a signal receiver coupled to the actuation device, wherein the signal receiver facilitates setting the actuation device to the first position in response to receiving a first control signal and setting the actuation device to the second position in response to receiving a second control signal (column 9, lines 47-68 and column 10, lines 1-34).

It is rejected for similar reason set forth in the rejection of claim 9, supra.

As to **claim 16**, Carlo's device teaches a signal transmitter configured for transmitting the first control signal and the second control signal for reception by the signal receiver (column 9, lines 47-68 and column 10, lines 1-34).

As to **claim 17**, Issa's device teaches a first electrical termination configured for being connected to a first connection point of the power cable;

a second electrical termination configured for being connected to at least one of a second connection point of the power cable, an electrical terminal of the battery and an electrical terminal of the starter; and

a third electrical termination coupled to one of the first electrical termination and the second electrical termination for having a power lead of a vehicle accessory item connected thereto for enabling electrical power to be provided to the accessory item while said continuity circuitry is in the starting system disabled mode (Figure 4 and column 2, lines 1-24 and column 4, lines 7-68 and column 5, lines 1-10).

Regarding **claim 18**, Issa's device comprises:

a battery (abstract);

a starter (abstract);

a battery switch electrically coupled between the battery and the starter, wherein the battery switch is configured for enabling electrical continuity between the battery and the starter to be selectively broken and made and wherein the battery switch is in a starting system disabled

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mode when electrical continuity is broken and in a starting system enabled mode when electrical continuity is made (column 3 lines 9-17 and column 4, lines 7-63);

an actuation device connected to the battery switch and configured for selectively switching the battery switch between the starting system disabled mode and the starting system enabled mode (column 4, lines 7-43).

a signal receiver coupled to actuation device (column 6, lines 14-31).

It fails to show the receiver facilitates setting the actuation device to the first and second position in response to receiving a first control signal and second control signal, respectively.

Carlo's device teaches a signal receiver coupled to the actuation device, wherein the signal receiver facilitates setting the actuation device to a first position corresponding to the starting system disabled mode in response to receiving a first control signal and setting the actuation device to a second position corresponding to the starting system enabled mode in response to receiving a second control signal (column 9, lines 47-68 and column 10, lines 1-34).

It is rejected for similar reason set forth in the rejection of claim 9, supra.

As to **claim 19**, Issa's device teaches electrical continuity between the battery and the starter is provided through a power cable, and

the battery switch is electrically spliced into the power cable in an in-line fashion (Figure 1-4 and column 3, lines 9-17 and column 5, lines 7-10).

As to **claim 20**, Issa's device teaches the actuation device is connected to a switching mechanism of the battery switch and is configured for moving the switching mechanism between a first position and a second position,

the first position of the switching mechanism corresponds to the starting system disabled mode; and

the second position of the switching mechanism corresponds to the starting system enabled mode (column 3 lines 9-17 and column 4, lines 7-63).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Modgil (U.S. 6,625,553) teaches a self-contained safety and security system and method that performs the multiple functions of theft deterrence, battery saving, battery analysis system, accident protection, and telemetry and control data communication for vehicles is disclosed. Johnson et al. (U.S. 5,965,954) teaches a vehicle anti-theft system that disables a vehicle engine upon detection of an unauthorized vehicle start-up, after the engine is running, by disconnecting the vehicle battery and draining the alternator voltage to ground through a resistor. Carlo (U.S. 5,449,957) shows an anti-theft device mountable on, in or otherwise adjacent the battery of a motor vehicle includes an enclosed power switch for opening the starting circuit between the battery and starter motor when the anti-theft device activated, whereby it is impossible to start the vehicle.

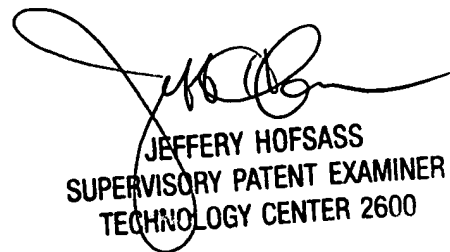
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoi C. Lau whose telephone number is (571)272-8547. The examiner can normally be reached on M- F 8:30am - 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571)272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HCL



JEFFERY HOFSSASS
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